

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
:
JOANNE WITCHKO, Derivatively on Behalf of
Nominal Defendant AMERICAN REALTY
CAPITAL PROPERTIES, INC.,

Plaintiff,

-against-

NICHOLAS S. SCHORSCH, et al.,

Defendants,

-and-

AMERICAN REALTY CAPITAL PROPERTIES,
INC.,

Nominal Defendant.
:
----- X

ORDER

15 Civ. 6043 (AKH)

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/22/2020
--

ALVIN K. HELLERSTEIN, U.S.D.J.:

On January 21, 2020, I held a fairness hearing in the above-captioned action. For the reasons discussed at the hearing, I have entered the Final Order and Judgment Approving Settlement. To resolve remaining issues:

1. As agreed by the parties and stipulated on the record at the hearing, within ten business days, VEREIT, Inc. ("VEREIT") shall pay \$250,000 total in attorneys' fees and \$3,000 total in expenses to plaintiffs' counsel in *Meloche v. Schorsch*, No. 1:16-cv-03366-ELH (D. Md.); \$250,000 total in attorneys' fees and \$3,000 total in expenses to plaintiffs' counsel in *Fran Kosky Roth IRA v. Schorsch*, No. 653093/2016 (Sup. Ct. N.Y. Cty.); and \$250,000 total in attorneys' fees and \$3,000 total in expenses to plaintiffs'

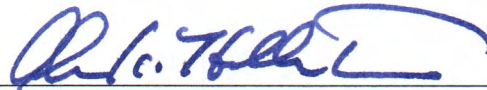
counsel in *Frampton v. Schorsch*, No. 24-C-15-006269 (Md. Cir. Ct.).

Plaintiffs' counsel shall dismiss their respective actions with prejudice and without further costs.

2. By January 24, 2020, counsel to plaintiffs in the above-captioned action ("Derivative Counsel") and VEREIT shall submit a proposed schedule for Derivative Counsel's filing of adjusted submissions regarding attorneys' fees and expenses, and for VEREIT's response.

SO ORDERED.

Dated: New York, New York
January 22, 2020



ALVIN K. HELLERSTEIN
United States District Judge